IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 24193 of 1996

Between:

1 Tirumani Sathiraju S/o. Nagabhushanam
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
2 Boddu Satyanarayana S/o. Narayana
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
3 Tirumani Nageswararao S/o. Swamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
4 Moopathi Nageswara Rao S/o. Sriramulu
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
5 Moopathi Saibaba S/o. Naganna
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
6 Boddu Narasimha Murthy S/o. Narayana
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
7 Tirumani Venkateswarlu S/o. Swamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
8 Tirumani Giddarao S/o. Krishnaswamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
9 Natina Chandra Rao S/o. Sriramulu
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
10 Boddu Veerraju S/o. Lakshmanaswamy,
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
11 Boddu Venkateswarlu S/o. Peda Gantayya
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
12 Boddu Bruhaspathi S/o. Kanakaraju
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
13 Boddu Emberumannor S/o. Kanakaraju
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
14 Tirumani Venkataraju S/o. Narasimha
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
15 Tirumani Venkataswamy S/o. Krishnaswamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
16 Boddu Srirama Murthy S/o. Sathiraju
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
17 Boddu Vishnumurthy S/o. Venkateswarlu
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
18 Tirumani Narasimhaswamy S/o. Lakshmanaswamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.

..... PETITIONERS

AND

1 The Sub-Collector, Narsapur, West Godavari District.
2 The Mandal Revenue Officer,
Narsapur, West Godavari District.
3 Tirumani Anjaneyulu S/o. Veeraswamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
4 Chinta Babulu S/o. Krishnamurthy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
5 Moopathi Veerla Venkanna S/o. Harischandrudu
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
6 Tirumani Swamy S/o. Veeraswamy
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
7 Boddu Krishna S/o. Suryanarayana
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
8 T. Vaddikasulu S/o. Meera Saheb
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
9 Tadi Suryanarayana S/o. Late Venkata Rao
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.
10 Tadi Ganapati,
R/o. Ponnapalli Village, Narsapur Taluk, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the first respondent in directing the petitioners to remove the 'VALA KATTU' situated in Vasista Godavari towards Navarasapuram side at Narsapur, W.G.Dt. is illegal, arbitrary, violative of principles of natural justice and violative of Articles 14 and 16 of the Constitution of India and issue consequential direction to the respondents not to interfere with petitioners' peaceful possession and enjoyment of the 'VALA KATTU' situated in Vasista Godavari towards Navarasapuram side.

Counsel for Petitioners: MR. K.CHIDAMBARAM

Counsel for Respondents 1 and 2: GOVERNMENT PLEADER FOR REVENUE

Counsel for Respondents 3 to 10: MR. Y.CHANDRA SEKHAR

The Court made the following:

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ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the first respondent for removal of the "Valakattu" situated in Vasista Godavari river towards Navarasapuram side at Narsapur, West Godavari District.

It is the case of the petitioners that they belong to Agnikula Kshatriya by caste and eking out their livelihood by catching fish in Vasista river situated at Narsapur in West Godavari District. It is stated that they erected fishnet called "Valakattu" in Vasista Godavari river and though civil disputes are pending in civil Courts, the first respondent ordered the petitioners for removal of the Valakattu.

Though counter affidavit is not filed by the official respondents 1 and 2, a counter affidavit is filed on behalf of private parties i.e. respondents 3 to 10, wherein it is stated, there were disputes among the fishermen and the same was subject matter of the suit in O.S.No.20 of 1987 on the file of the Principal District Munsif, Narsapur, which was also subject matter of first appeal in A.S.No.1 of 1996 on the file of the Senior Civil Judge, Narsapuram.

Though the petitioners have questioned the alleged interference by the first respondent, for removal of Valakattu, but no material is filed before this Court to, establish their right to exploit fish in the area of Navarasapuram side at Narsapur, West Godavari District, where there is a dispute among the fishermen.

In that view of the matter, I do not find any ground in the writ petition for grant of relief as prayed for and accordingly the same is dismissed. No order as to costs.

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R.SUBHASH REDDY, J

15th February, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Sub-Collector, Narsapur, West Godavari District.

2. The Mandal Revenue Officer, Narsapur, West Godavari District.

3. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.